

212-243-1100 • Main  
917-912-9698 • Cell  
888-587-4737 • Fax

225 Broadway, Suite 715  
New York, NY 10007  
bcsternheim@mac.com

October 14, 2021

Honorable Alison J. Nathan  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v. Ghislaine Maxwell*  
S2 20 Cr. 330 (AJN)

Dear Judge Nathan:

I respectfully request that the Court issue an order directing the MDC to provide to Ms. Maxwell all legal mail, including mailings sent or hand-delivered by counsel and the government, within one day of receipt by the MDC. A hard drive containing Court-ordered disclosures (3500 material, non-testifying witness materials, and the Government's proffered exhibits) was sent via FedEx by the Government on October 11 and received by the MDC on October 12. The hard drive was not provided to Ms. Maxwell until late morning today, October 14.

This is but the latest episode in the persistent practice by MDC of delaying delivery to Ms. Maxwell of critical legal materials sent to the MDC via FedEx and/or the U.S. Postal Service or hand-delivered and deposited by counsel in the legal mailbox. Legal mail deposited in the MDC legal mailbox on October 2 was not discovered by the MDC until October 7, after staff insinuated that Ms. Maxwell's counsel had not deposited it in the mailbox. When finally discovered, a questionable bar code sticker was attached to the envelope that was not affixed by counsel or familiar to MDC staff, suggesting that it had been tampered with. This was brought to the attention of the Warden. The Unit Manager contacted counsel regarding this irregularity and personally returned the legal mail to counsel on October 9. These ongoing delays have interfered with Ms. Maxwell's ability to prepare for trial and to confer with

counsel. They compromise her right to prepare her defense and deprive her of her constitutional right to effective assistance of counsel.

Ms. Maxwell has been in custody for over 15 months without access to the evidence the Government intends to introduce at trial. The Court established a deadline of October 11 for those and other materials to be disclosed. Late in the evening of October 11, the Government produced to counsel approximately 14,000<sup>1</sup> pages of single-spaced witness materials, as well as numerous exhibits and its purported 404(b) Notice and Co-Conspirator Notice. But the Government refused to hand-deliver those materials to MDC as they have with previous productions in this case. Because the MDC will not accept hard drives from defense counsel but will from the Government, counsel provided hard-drives to the Government a week in advance of October 11 and requested that it hand deliver the hard drive to MDC on October 11, the day of Court-ordered disclosure. The government denied this request, choosing instead to send the hard drive via FedEx.

Tracking information confirms that the MDC received the hard drive on October 12. On October 13, counsel informed the Government that Ms. Maxwell still had not received the hard drive and emailed MDC Legal. Again this morning, counsel emailed MDC Legal regarding the failure to provide Ms. Maxwell with the hard drive containing 3500 material. The MDC has failed to respond. Ms. Maxwell did not receive the hard drive until late this morning.

It is imperative that the Court intervene. As we approach trial, it is ever more imperative that critical trial documents and Jencks Act and *Giglio* material be given to Ms. Maxwell promptly upon delivery to the institution. Based on the MDC's inefficiency and mishandling of legal mail, I have no confidence MDC is capable of fulfilling its responsibilities and every reason

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<sup>1</sup> There appear to be approximately 8,000 pages of testifying witness materials, and another 6,000 single-spaced pages of newly produced "non-testifying witness" materials, the bulk of which appears exculpatory.

to believe that Ms. Maxwell's ability to defend and prepare for trial will continue to be severely compromised.

The incompetence demonstrated by the MDC is concerning and gives counsel reason to believe that these problems will continue and that Ms. Maxwell will not receive vital trial materials with sufficient time to review them and confer with counsel. Counsel have wasted considerable time and effort to ensure that Ms. Maxwell can prepare for her upcoming trial under the most extraordinary and onerous conditions of pretrial release for a non-violent detainee with no criminal history, let alone a woman approaching the age of 60. The cost in time and dollars is wasteful and unacceptable.

The consequence of inaction will be further erosion of Ms. Maxwell's constitutional rights and may result in delay of trial.

Very truly yours,

/s/

BOBBI C. STERNHEIM

cc: All counsel